IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 26TH JULY 2007 / 4TH SRAVANA 1929

Con.Case(C).No. 674 of 2007(S)

CRL.MN.C.NO. 718 OF 2007

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PETITIONER

N.S.HARIKUMAR, S/O. SREEDHARAN NAIR,
AGED 30 YEARS, RESIDING AT NAGATHIL HOUSE,
KANJEETTUKARA MURI, AYROOR VILLAGE, RANNY TALUK,
PATHANAMTHITTA.

BY ADV. SRI.P.GOPAKUMARAN NAIR
SRI.C.S.DIAS
SRI.AJITH MURALI

RESPONDENTS:

CHANDRASEKHARAN PILLAI,
CIRCLE INSPECTOR OF POLICE, KOZHENCHERRY,
PATHANAMTHITTA DISTRICT.

BY GOVERNMENT PLEADER SRI. GIKKU JACOB

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD ON 26/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R. BASANT, J.

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C.C.C..No. 674 of 2007

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Dated this the 26th day of July, 2007

JUDGMENT

This Contempt of Court Case has been filed by the petitioner in Crl.M.C. 718 of 2007 alleging that the second respondent in the Crl.M.C. has acted in violation of the interim order dt. 21.3.2007 in that Crl.M.C. By the said order, it was directed that the second respondent shall not continue investigation till the next date of posting. The said direction was extended from time to time.

2. What is the contempt committed by the second respondent? It is alleged that he had filed a report dt. 15.3.2007 before the learned J.F.C.M.-II, Pathanamthitta. In such report he had informed the learned Magistrate that the petitioner has not complied with the direction issued by him to appear before him on 14.3.2007. Appropriate action may hence be taken, it was prayed. Evidently this report was handed over by the second respondent to the A.P.P., who submitted it before the court later and the court received it on 23.3.2007. It is alleged that after the order dt. 21.3.2007 the second respondent had filed the report, which is a step in investigation on 23.3.2007.

3. The second respondent has filed a statement, in which it is explained that he had submitted the report on 15.3.2007 and the fact that it happened to be filed in court and received by the court after order dt.21.3.2007 on 23.3.2007 does not in any way reveal an act of contempt on his part.

4. It has often been repeated that action in contempt must be the medicine of law and not its daily diet. Having gone through the records, I am satisfied that there is no sufficient materials to proceed against the second respondent in contempt.

5. This Contempt of Court case is hence dismissed.

(R. BASANT)
Judge

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